

## REMARKS

This Response is submitted in reply to the Office Action dated August 11, 2008, and in accordance with the December 8, 2008 interview. Claims 23, 29, 35, 41, 45, 50, 54, 58 and 62 are in independent form. Applicant has amended claims 23, 29, 35, 41, 45, 50, 54, 58 and 62. No new matter has been added by such amendments. A Petition for a One Month Extension of Time to reply to the Office Action is submitted with this Response. Please charge Deposit Account No. 02-1818 for all payments due in connection with this Response.

Applicant refers to previously presented claims 23-65 in the Office Action dated May 15, 2008 as "Prior Claims".

### **Claim Rejections – 35 U.S.C. § 103**

The Office Action rejected Prior Claims 23, 27, 29-30, 33, 35-36, 38, 40-42, 45-46, 48, 50-51, 54-56, and 58-65 under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 6,251,013 to Bennett ("Bennett") in view of U.S. Patent No. 6,439,993 to O'Halloran ("O'Halloran") in further view of U.S. Patent No. 5,332,228 to Schultz ("Schultz"). The Office Action rejected Prior Claims 24-26, 28, 31-32, 34, 37, 39, 43-44, 47 and 49 under 35 U.S.C. 103(a) as being unpatentable over Bennett in view of O'Halloran in further view of Schultz and in further view of Applicant Admitted Prior Art. The Office Action rejected Prior Claims 52-53 and 57 under 35 U.S.C. 103(a) as being unpatentable over Bennett in view of O'Halloran in further view of Schultz and in further view of Applicant Admitted Prior Art. Applicant respectfully disagrees with such rejections for at least the following reasons.

Under the Office Action's interpretation of O'Halloran, the gaming device resulting from the combination of the Bennett, O'Halloran, and Schultz does not disclose the following elements: "(1) determine if any of the winning conditions are present without taking into account the wild function if the at least one visually distinguished location is the at least one non-selected location; and (2) if the at least one visually distinguished location is the at least one selected location: (x) cause any of the symbols displayed at the at least one visually distinguished location to have the wild function;

and (y) determine if any of the winning conditions are present taking into account the wild function.”

The Abstract of Bennett discloses:

A gaming machine having a display and game control, the game control being arranged to play a game wherein a plurality of symbols are randomly selected from a predetermined set of symbols and displayed in rows on the display and if a winning combination of symbols results, the machine pays a prize. In a first aspect, a triggering event invokes a game feature in which a sprite randomly designates one or more of the symbols displayed on the display to be treated as special symbols for that particular game and a prize is awarded for any winning combinations formed with one or more of the special symbols. Embodiments of the special symbol include a wild card symbol and a scatter symbol. In a second aspect, the sprite designates the win meter or the credit meter, causing the amounts shown on the win meter and credit meter to increase. (emphasis added).

Column 1, Lines 61 to 67 of Bennett discloses:

the game being characterised in that upon the occurrence of a predetermined triggering event, a game feature is invoked wherein a sprite randomly designates one or more of the symbols displayed on the display means to be treated as special symbols for that particular game and a prize is awarded for winning combinations formed with one or more of the special symbols.

The Abstract of O'Halloran discloses:

A method and apparatus concerning the operation of gaming machines is provided. The method generally comprises providing a gaming machine having a plurality of simulated spinning reels capable of displaying a wild card symbol at any of the reels. According to the present invention, upon the appearance of a first wild card symbol, additional wild card symbols may appear, providing the player with additional opportunities to win a prize, or to win an additional prize. The apparatus of the present invention is directed to a gaming machine capable of displaying simulated spinning reels having a plurality of symbols, and capable of displaying a wild card symbol. If a first wild card symbol has been displayed, the apparatus then displays an additional one or more wild card symbols, providing the player with an additional opportunity to win a prize, or to win an additional prize. The present invention is particularly well-suited to increasing player interest in a gaming machine by increasing the ways in which playing the game may result in the award of a prize. (emphasis added)

Column 1, Lines 9 to 11 of O'Halloran discloses:

the player selects the number of win lines and the number of credits to be wagered per win line per play, then sets the reels spinning by activating a play pushbutton.

Column 1, Lines 48 to 54 of O'Halloran discloses:

It is preferred that there are three win lines. Further, the wild cards can be caused to substitute on adjacent reels so as to be contiguous on a win line. In one embodiment there can be five reels, meaning the number of wild cards will be an original (or triggering) one, and one to four further (or expanding) ones. That is, the wild cards can substitute for every original/other symbol on a win line.

The Abstract of Schultz discloses:

An improved stud poker game which requires no decisions from the player after the initial bet is placed. Each hand has one guaranteed wild card that appears at a card position which is predetermined, and shown to the player, before the player's cards are dealt. In addition to the one guaranteed wild card, all like-valued cards in the hand are also wild. Also, there are a number of novel and entertaining ways to determine the wild card position. The game is adaptable to both video play and table play formats.

Column 8, Line 33 to Column 9, Line 11 of Schultz discloses:

9. A method for playing a table poker game, involving a dealer, playing cards and a table occupied by one or more players, comprising the steps of . . . (d) determining, by a selection means, which card position out of the plurality of positions for each player will be the wild card position for that player . . . .

The method of claim 9 wherein the wild card position determined in step (d) is selected by each player for that player's own hand.

Page 5 of the Office Action states:

Bennett . . . is arguably silent regarding the limiting of the active features to only the active paylines.

Page 6 of the Office Action states:

It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the selection of the at least one wild position as taught by O'Halloran into the game of Bennett because such a combination would have represented the combination of known elements and techniques yielding predictable results.

Applicant respectfully disagrees. As set forth above and stated on Page 5 of the Office Action, the player in O'Halloran is enabled to select a number of win lines and the number of credits per win line per play. Page 5 of the Office Action further states that O'Halloran discloses a plurality of symbol positions located on each win line. In one embodiment of O'Halloran, when the gaming device generates one wild card on a win line, the gaming device substitutes every other symbol on that win line with a wild card. Thus, it appears that the Office Action interprets the selection of win line in O'Halloran as a selection of wild card positions. However, under this interpretation of O'Halloran, the gaming device resulting from the combination of Bennett, O'Halloran, and Schultz does not anticipate or render obvious the following: a gaming device which includes determining if any of the winning conditions are present without taking into account the wild function if the at least one visually distinguished location is the at least one non-selected location; and (2) if the at least one visually distinguished location is the at least one selected location: (x) cause any of the symbols displayed at the at least one visually distinguished location to have the wild function; and (y) determine if any of the winning conditions are present taking into account the wild function.

One the other hand, Prior Claim 23 includes the following elements among others: "(1) determine if any of the winning conditions are present without taking into account the wild function if the at least one visually distinguished location is the at least one non-selected location; and (2) if the at least one visually distinguished location is the at least one selected location: (x) cause any of the symbols displayed at the at least one visually distinguished location to have the wild function; and (y) determine if any of the winning conditions are present taking into account the wild function."

Additionally, page 7 of the Office Action states:

The combination of Bennett/O'Halloran however, is arguably silent regarding a separate selection of at least one indicia position separate from the selection of a payoff . . . .

It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the selection of the at least one wild position as taught by Schultz into the game of Bennett/O'Halloran because such a combination would have represented the combination of known elements and techniques yielding predictable results.

Applicant respectfully disagrees and submits that the incorporation of the selection of at least one wild position as taught by Schultz into the game of Bennett/O'Halloran would destroy the intended purpose of the gaming device resulting from the combination of Bennett/O'Halloran. In O'Halloran, the player selects a number of win lines and then set the reels spinning by activating a play pushbutton. As referenced in the Office Action, O'Halloran discloses that in one embodiment when a wild symbol appears in one of the reels on a win line, the gaming device can cause all of the other symbols on that win line to be substituted as wild symbols. That is, when the gaming device of O'Halloran displays a trigger symbol (i.e., a wild card symbol), at least one further wild card symbol substitutes for at least one of the other displayed symbols. However, in this embodiment of O'Halloran if the player in O'Halloran is enabled to simply select the wild symbol position then the trigger symbol would always occur and thus for each spin of the reels every symbol on the win line would always be a wild symbol. Accordingly, the incorporation of the selection of the wild position as taught by Schultz would destroy the intended purpose of the gaming device resulting from the combination of Bennett/O'Halloran.

#### **Amendments**

Despite the foregoing traversal, to advance prosecution, Applicant has amended claims 23, 29, 35, 41, 45, 50, 54, 58 and 62 in accordance with the December 8, 2008 interview.

Amended independent claims 23 and 29 each recite, among other elements, "receive a first input signal from the input device, the first input signal corresponding to the wager . . . receive a second input signal from the input device, the second input signal corresponding to a selection of at least one of the plurality of different pay lines . . . receive a third input signal from the input device, the third input signal corresponding to a selection of at least one, and less than all, of the locations of the reels, the third input resulting in at least one selected location and at least one non-selected location, the third input signal being performed independent of the second input signal . . . for the second spin of the reels, determine whether the at least one visually distinguished location is: (1) the at least one selected location; or (2) the at least one non-selected location."

Amended independent claim 35 recites, among other elements, "receive the first input signal from the input device, the input signal corresponding to the wager . . . receive a second input signal from the input device, the second input signal corresponding to a selection of at least one of the plurality of different pay lines . . . receive a third input signal from the input device, the third input signal corresponding to a selection of at least one, and less than all, of the locations of the reels, the third input resulting in at least one selected location and at least one non-selected location, the third input signal being performed independent of the second input signal . . . for the second spin of the reels, determine whether the at least one visually distinguished location is: (1) the at least one selected location; or (2) the at least one non-selected location."

Amended independent claim 41 recites, among other elements, "receiving a first input signal from an input device, the first input signal corresponding to a wager . . . receiving a second input signal from the input device, the second input signal corresponding to a selection of at least one of a plurality of different pay lines . . . receiving a third input signal from the input device, the third input signal corresponding to a selection of at least one, and less than all, of the locations of the reels, the third input resulting in at least one selected location and at least one non-selected location, the third input signal being performed independent of the second input signal . . . for the second spin of the reels, determine whether the at least one visually distinguished

location is: (1) the at least one selected location; or (2) the at least one non-selected location."

Amended independent claim 45 recites, among other elements, "receiving a first input signal from an input device, the first input signal corresponding to a wager . . . receiving a second input signal from the input device, the second input signal corresponding to a selection of at least one of a plurality of different pay lines . . . receiving a third input signal from the input device, the third input signal corresponding to a selection of at least one, and less than all, of the locations of the reels, the third input resulting in at least one selected location and at least one non-selected location, the third input signal selection occurring separate from the second input signal selection . . . for the second spin of the reels, determine whether the at least one visually distinguished location is: (1) the at least one selected location; or (2) the at least one non-selected location."

Amended independent claim 50 recites, among other elements, "receive a first input signal from the input device, the first input signal corresponding to the wager . . . receive a second input signal from the input device, the second input signal corresponding to a selection of at least one of a plurality of different pay lines . . . receive a third input signal from the input device, the third input signal corresponding to a selection of at least one, and less than all, of the locations of the reels, the third input resulting in at least one selected location and at least one non-selected location, the third input signal being performed independent of the second input signal . . . for the second spin of the reels, determine whether the at least one visually distinguished location is: (1) the at least one selected location; or (2) the at least one non-selected location."

Amended independent claim 54 recites, among other elements, "receive a first input signal from the input device, the first input signal corresponding to the wager . . . receive a second input signal from the input device, the second input signal corresponding to a selection of at least one of a plurality of different pay lines . . . receive a third input signal from the input device, the third input signal corresponding to a selection of at least one, and less than all, of the locations of the reels, the third input

resulting in at least one selected location and at least one non-selected location, the third input signal being performed independent of the second input signal . . . for the second spin of the reels, determine whether the at least one visually distinguished location is: (1) the at least one selected location; or (2) the at least one non-selected location."

Amended independent claim 58 recites, among other elements, "receive a first input signal from the input device, the first input signal corresponding to a wager . . . receive a second input signal from the input device, the second input signal corresponding to a selection of at least one of a plurality of different pay lines . . . receive third input signal from the input device, the third input signal corresponding to a selection of at least one, and less than all, of the locations of the reels, the third input resulting in at least one selected location and at least one non-selected location, the third input signal being performed independent of the second input signal . . . determine whether the at least one visually distinguished location is: (1) the at least one selected location; or (2) the at least one non-selected location."

Amended independent claim 62 recites, among other elements, "receive a first input signal from the input device, the first input signal corresponding to a wager . . . receive a second input signal from the input device, the second input signal corresponding to a selection of at least one of a plurality of different pay lines . . . receive a third input signal from the input device, the third input signal corresponding to a selection of at least one, and less than all, of the locations of the reels, the third input resulting in at least one selected location and at least one non-selected location, the third input signal being performed independent of the second input signal . . . determine whether the at least one visually distinguished location is: (1) the at least one selected location; or (2) the at least one non-selected location."

Applicant submits that Bennett, O'Halloran, and Schultz do not separately or collectively disclose the foregoing elements of such claims. For the foregoing reasons, Applicant submits that all of the claims are in condition for allowance.



An earnest endeavor has been made to place this application in condition for formal allowance and is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

BELL, BOYD & LLOYD-LLP

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